

# Exhibit 1

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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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5 IN RE: HIGH-TECH EMPLOYEE )  
6 ANTITRUST LITIGATION ) No. 11-CV-2509-LHK

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11 VIDEOTAPED DEPOSITION OF EDWARD LEAMER

12 San Francisco, California

13 Friday, October 26, 2012

14 Volume I

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20 Reported by:

21 ASHLEY SOEVYN

22 CSR No. 12019

23 Job No. 1545691

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
  
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IN RE: HIGH-TECH EMPLOYEE )  
ANTITRUST LITIGATION ) No. 11-CV-2509-LHK  
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Videotaped Deposition of Edward Leamer, taken  
at Three Embarcadero Center, 28th floor,  
San Francisco, California, commencing at 8:05 a.m.,  
Friday, October 26, 2012, before Ashley Soevyn,  
CSR 12019.

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13 ALSO PRESENT: LISA DELEHUNT OLLE, Apple Inc.,

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15 JOHN MACDONNELL, Videographer

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1 MR. GLACKIN: Objection, vague. 17:33:03

2 THE WITNESS: No, it's not true. 17:33:04

3 BY MR. PICKETT: 17:33:05

4 Q. You used one conduct variable, right? 17:33:05

5 A. That's correct. One -- well, it's a 17:33:07

6 conduct variable that varies across firms. It's not 17:33:09

7 just on, off, all the same for all firms because 17:33:12

8 these firms have different periods in which they had 17:33:16

9 the conduct turned on. So there's some firm -- firm 17:33:21

10 variability that comes from pure conduct. 17:33:23

11 Q. Do your results in Figure 22 mean that 17:33:25

12 compensation was reduced by -- let's say for 2009 17:33:28

13 about 10 percent at Apple and 20 percent at Lucas? 17:33:40

14 A. Well, approximately. And that's what this 17:33:46

15 model suggests, yes. 17:33:48

16 Q. And 14 percent of Pixar and so forth? 17:33:49

17 A. Correct. 17:33:52

18 Q. Is that consistent with your information 17:33:52

19 flow theory? 17:33:54

20 A. Well, I think the theory is ambiguous with 17:33:57

21 regard to magnitudes. And I use the regression 17:34:02

22 analysis to compute in magnitudes. 17:34:05

23 Q. Why would anyone come to Lucas in 2008 or 17:34:09

24 2009, if they were being paid 20 percent under the 17:34:13

25 market? 17:34:16

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1	MR. GLACKIN:	Objection, mischaracterizes.	17:34:17
2	THE WITNESS:	Well, I'm tired here. The	17:34:56
3		answer is that's what the model says, but then	17:35:00
4		you're raising another question, which is, is the	17:35:03
5		model compatible with the -- the set of	17:35:05
6		opportunities.	17:35:08
7	MR. PICKETT:	Right.	17:35:10
8	THE WITNESS:	And in my tired state, I	17:35:11
9		can't produce a story that would justify that.	17:35:17
10	BY MR. PICKETT:		17:35:21
11	Q.	Why does compensation depend on the number	17:35:21
12		of new hires at all defendants? Why wouldn't it	17:35:23
13		depend on the number of new hires total, including	17:35:27
14		the nondefendants?	17:35:30
15	A.	Where -- are you talking about row 3?	17:35:34
16	Q.	Correct.	17:35:35
17	A.	Well, row 3 is telling you that -- it's	17:35:36
18		identifying the firms that are going to be most	17:35:39
19		affected by the cold calling and the anti-cold	17:35:42
20		calling agreements. It's those firms that would	17:35:47
21		have been -- that were hiring substantially who	17:35:50
22		probably would have been doing a cold calling. So	17:35:52
23		you raise another possibility, that it could be --	17:35:55
24		another variable you might explore is the number of	17:35:58
25		new hires in total --	17:36:01

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1 STATE OF CALIFORNIA ) ss:  
2 COUNTY OF MARIN )  
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4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby  
5 certify:

6 That the foregoing deposition testimony was  
7 taken before me at the time and place therein set  
8 forth and at which time the witness was administered  
9 the oath;

10 That the testimony of the witness and all  
11 objections made by counsel at the time of the  
12 examination were recorded stenographically by me,  
13 and were thereafter transcribed under my direction  
14 and supervision, and that the foregoing pages  
15 contain a full, true and accurate record of all  
16 proceedings and testimony to the best of my skill  
17 and ability.

18 I further certify that I am neither counsel for  
19 any party to said action, nor am I related to any  
20 party to said action, nor am I in any way interested  
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my  
23 name this 29th day of October, 2012.

24

25

  
ASHLEY SOEVYN, CSR 12019